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Commission on the Status of Women
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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": gender mainstreaming, situations and programmatic matters

Argentina,* Azerbaijan,* Belarus, Georgia,* Turkey* and United States of America: draft resolution

Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts

The Commission on the Status of Women,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949[1] and the Additional Protocols thereto of 1977,[2] as well as relevant international standards of human rights, in particular the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[4] the International Covenant on Civil and Political Rights,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[7] and the

* In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

[1] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[2] Ibid., vol. 1125, Nos. 17512 and 17513.
[3] General Assembly resolution 217 A (III).
[4] See General Assembly resolution 2200 A (XXI), annex.
[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[6] Ibid., vol. 1577. No. 27531.
[7] Ibid., vol. 1465, No. 24841.

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Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[8]

Taking duly into account the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006,[9]

Recalling all its previous resolutions on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts,[10] as well as all relevant resolutions of the Commission on Human Rights and the Human Rights Council concerning hostage-taking and General Assembly resolution 61/172 of 19 December 2006,

Recognizing that women and children bear particular vulnerabilities when taken hostage, including sexual violence and reproductive health concerns,

Recognizing also that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community,

Recalling the relevant provisions contained in the instruments of international humanitarian law relative to the protection of the civilian population as such,

Reaffirming the Beijing Declaration and Platform for Action,[11] as well as the outcomes of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",[12] and the outcome of the special session of the General Assembly on children, entitled "A world fit for children",[13] including the provisions therein regarding violence against women and children, and further reaffirming the declarations of the Commission on the Status of Women on the tenth, fifteenth and twentieth anniversaries of the Fourth World Conference on Women,

Recalling General Assembly resolution 57/337 of 3 July 2003 on the prevention of armed conflict, and Security Council resolutions 1325 (2000) of 31 October 2000, 1828 (2008) of 31 July 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009, 1960 (2010) of 16 December 2010, 2106 (2013) of 24 June 2013, 2122 (2013) of 18 October 2013 and 2242 (2015) of 13 October 2015 on women, peace and security, as well as Council resolutions 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003, 1539 (2004) of 22 April 2004, 1612 (2005) of 26 July 2005, 1882 (2009) of 4 August 2009, 1998 (2011) of 12 July 2011, 2068 (2012) of 19 September 2012, 2143 (2014) of 7 March 2014 and 2225 (2015) of 18 June 2015 on children and armed conflict, and Council resolutions 2133 (2014) of 27 January 2014, 2249 (2015) of 20 November 2015, 2253 (2015) of 17 December 2015 and 2255 (2015) of 21 December 2015 on kidnapping for ransom and hostage-taking by terrorists,

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[8] A/CONF.157/24 (Part I), chap. III.

[9] United Nations, *Treaty Series*, vol. 2716, No. 48088.

[10] Resolutions 39/2, 40/1, 41/1, 42/2, 43/1, 44/1, 45/1, 46/1, 48/1, 50/1, 52/1, 54/3, 56/1 and 58/1.

[11] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution I, annexes I and II.

[12] General Assembly resolution S-23/2, annex, and resolution S-23/3, annex.

[13] General Assembly resolution S-27/2, annex.

Expressing grave concern at the continuation of armed conflicts in many regions throughout the world and the human suffering and humanitarian emergencies they cause,

Noting the particular impact that trafficking in persons in situations of armed conflict has on women and children, including their increased vulnerability to sexual and gender-based violence, and expressing solidarity with and compassion for women and children who are trafficked, as noted in the statement of 16 December 2015 by the President of the Security Council,[14]

Noting that women and children who are taken hostage, including those subsequently imprisoned, including in armed conflicts, whether international or non-international, are victims of serious violations or abuses of international law, including international humanitarian law and human rights law, which continues to have a negative impact on efforts to put an end to those conflicts and causes suffering to the families of those women and children, and stressing, in this regard, the need to address the issue from a humanitarian perspective, among others,

Emphasizing that all forms of violence in areas of armed conflict committed against the civilian population as such, including taking women and children hostage, seriously contravene international humanitarian law, in particular as set out in the Geneva Conventions of 12 August 1949,

Cognizant that States that are parties to an armed conflict have a responsibility not to take hostage and subsequently imprison women and children in armed conflicts and to ensure accountability as regards the implementation of relevant mechanisms, policies and laws in order to protect them, bearing in mind that all parties to a conflict must refrain from hostage-taking,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, including those committed by terrorists and armed groups, continue to take place and have even increased in many regions of the world,

Noting with concern the serious threats posed by transnational organized crime in some regions and its increasing links, in some cases, with terrorism, and strongly condemning the incidents of kidnapping and hostage-taking committed for any purpose, including raising funds or gaining political concessions,

Recognizing that addressing the problem of hostage-taking calls for resolute, firm and concerted efforts on the part of the international community, in accordance with humanitarian law and international human rights law, in order to bring such abhorrent practices to an end and hold perpetrators accountable,

Expressing its strong belief that the rapid and unconditional release of women and children taken hostage in areas of armed conflict will promote the implementation of the noble goals enshrined in the Beijing Declaration and Platform for Action, as well as the outcomes of the twenty-third special session of the General Assembly and the outcome of the special session of the General Assembly on children, including the provisions therein regarding violence against women and children,

[14] S/PRST/2015/25.

Taking note of the report of the Secretary-General,[15]

1. *Reaffirms* that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstances, unjustifiable;

2. *Condemns* all violent acts committed against the civilian population as such, in violation of international humanitarian law in situations of armed conflict, and calls for an effective response to such acts, in particular the immediate release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts, including by strengthening international cooperation in the field;

3. *Also condemns* the acts committed in the context of hostage-taking, in particular torture and other cruel, inhuman or degrading treatment or punishment, murder, rape, slavery and trafficking in women and children, and deplores their consequences;

4. *Urges* States that are parties to an armed conflict to take all measures necessary, in a timely manner, to determine the identity, fate and whereabouts of women and children taken hostage, including those subsequently imprisoned, in armed conflicts, and to the greatest possible extent, to provide their family members, through the appropriate channels, with all relevant information they have on their fate and whereabouts;

5. *Invites* States, in this regard, to adopt a comprehensive approach, including all appropriate legal and practical measures and coordination mechanisms;

6. *Recognizes* the need for the collection, protection and management of information on women and children taken hostage, including those subsequently imprisoned, in armed conflicts, according to international and national legal norms and standards, and urges States to cooperate with each other and with other appropriate actors working in this area by, inter alia, providing all relevant and appropriate information;

7. *Strongly urges* all parties to armed conflicts to respect fully the norms of international humanitarian law and to take all measures necessary for the protection of the civilian population as such, including measures to prevent and combat acts of hostage-taking;

8. *Urges* all parties to armed conflicts to provide safe, unimpeded access to humanitarian assistance for those women and children, in accordance with international humanitarian law;

9. *Also urges* all parties to armed conflicts to cooperate fully with the International Committee of the Red Cross and, where relevant, with national Red Cross and Red Crescent societies, in establishing the fate and whereabouts of women and children taken hostage, including those subsequently imprisoned;

10. *Stresses* both the need for increased accountability and the responsibility of all States to prosecute or bring to justice, in accordance with international law, those responsible for war crimes, including hostage-taking and sexual violence;

11. *Also stresses* the need to address the issue of the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts,

[15] E/CN.6/2016/7.

also as part of peace processes, with reference to all justice and rule-of-law mechanisms, on the basis of transparency, accountability and public involvement and participation;

12. *Emphasizes* the importance of exchanging objective, reliable and impartial information, including through improved analysis and dissemination of data disaggregated by sex and age, on hostages, verifiable by relevant international organizations, in facilitating their release, and calls for assistance, as appropriate, to those organizations in this regard;

13. *Highlights* the importance of the rehabilitation of women and children taken hostage, including those subsequently imprisoned, in armed conflicts, recognizing their particular vulnerability to violence, including sexual violence, in those situations, and urges the concerned States to take all measures practically possible to this end;

14. *Requests* the Secretary-General, in the context of the present resolution, to continue to widely disseminate information, in particular relating to Security Council resolution 1325 (2000);

15. *Also requests* the Secretary-General and all relevant international organizations to use their capabilities and undertake efforts to facilitate the immediate release of women and children who have been taken hostage, including those subsequently imprisoned;

16. *Invites* the special rapporteurs, within their respective mandates, as well as the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General on Violence against Children, to continue to address the issue of women and children taken hostage, including those subsequently imprisoned, in armed conflicts and its consequences;

17. *Requests* the Secretary-General to submit to the Commission on the Status of Women at its sixty-second session a report on the implementation of the present resolution, including relevant practical recommendations, taking into account the information provided by States and relevant international organizations;

18. *Decides* to consider the question at its sixty-second session.